

REMARKS

Claims 1-15 have been previously canceled, claims 16-28, 30 and 31 are currently canceled, claims 29, 32 and 34 have been amended, and claims 35-43 have been added. Thus, claims 29, 32-43 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 103:

Claims 16-19, 23-31, 33 and 34 stand rejected under 35 U.S.C § 103(a), the Examiner contending that these claims are obvious over Balfanz et al. (US 2004/0107366) in view of Komine et al. (US 7,281, 027).

Applicant respectfully reminds the Examiner that Applicant's application claims benefit to the International Application No. PCT/DE03/03285, filed October 2, 2003 and to German Application No. 10 247 139.8 filed October 9, 2002. Balfanz filing date was September 5, 2003 and is a continuation-in-part of application No 10/231,194 (US 2004/0054899) filed August 30, 2002 and claims benefit to provisional application No 60/480,909 filed on June 24, 2003. Thus, only the filing of application No 10/231,194 is prior to Applicants earliest claim to priority which is October 9, 2002 Applicant respectfully submits that only to the extent that the disclosure in Belfantz (US 2004/0170366) is also disclosed in US 2004/0054899 does Balfantz get benefit to the filing date of August 30, 2002.

The Examiner cites paragraph 43 page 3 of Balfanz "The member device 125 can also communicate with the computer 101 over a preferred channel 129 through the network interface 107 or the I/O interface 111, wherein the channel 129 is the physical channel and Ref # 107 is the authentication channel". However, Applicant respectfully submits that this is not disclosed in US 2004/0054899 and **therefore does not get the benefit of the filing data of August 30, 2002.** in contrast, a location-limited channel is disclosed in US 2004/0054899. However, one skilled in the art would recognize that a location-limited channel is communication channel used in close physical proximity to the devices it communicates with and **cannot reasonably be considered Applicants channel** for an interface between distant devices (i.e., telecommunications exchange and subscriber terminal device).

The Examiner cites paragraph 43, page 3 “the provisioning device 801 serves as a router, modem, or WAP, the provisioning device 801 can monitor the traffic passing through the provisioning device 801”. However, a provisioning device, a router, a modem, a Wap are not disclosed in US 2004/0054899 and **therefore does not get the benefit of the filing data of August 30, 2002.**

For at least the reasons above Applicant respectfully request that the Examiner withdraw the Section 103 rejections.

New Claims:

New claims further define the scope of the invention as described in the specification and drawings.

Support for new claims 35 and 39 may be found, for example, in paragraph [0022].

Support for new claims 36 and 40 may be found for example, in paragraph [0023].

Support for new claims 37 may be found, for example, in FIG 1, FIG 2 paragraphs [0016], [0020], [0021].

Support for new claim 41 may be found for example, in paragraph [0025].

Support for new claims 42 and 43 may be found for example, in paragraph [0017].

Serial No. Not 10/530,740
Atty. Doc. No. 2002P09336WOUS

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicant respectfully requests that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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